



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Exhibit A, Revision 2 to United States of America Department of Energy Western Area Power Administration (Western) Contract No. 92-SAO-20056 with the City of Lodi

MEETING DATE: June 22, 1999

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute Exhibit A, Revision 2 to United States of America Department of Energy Western Area Power Administration (Western) Contract No. 92-SAO-20056 (Contract with the City of Lodi (attached)).

BACKGROUND INFORMATION: The Contract provides for Western to furnish electric service at a contract rate of delivery to the City of Lodi. The contract was amended by council resolution 96-11. By this action, Exhibit A, Revision 1, a temporary allocation program went in to effect. As of July 1, 1999, the terms and conditions of the program will change and without action the City of Lodi will cease to participate in the program. Exhibit A, Revision 2 will allow the City of Lodi to continue participation and to receive the new contract rate of delivery of electric service from Western.

FUNDING: None required

A handwritten signature in black ink, appearing to read "Alan N. Vallow".

Alan N. Vallow
Electric Utility Director

PREPARED BY: James Doyle, Manager Rates and Resources

ANV/JD/lst

C: City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager

EXHIBIT A
(Contract Rate of Delivery)

1. This Exhibit A, Revision 2, to be effective under and as a part of Contract No. 92-SAO-20056 (Contract) shall become effective July 1, 1999; shall supersede the current Exhibit A executed March 1, 1996; and shall remain in effect until superseded by another Exhibit A or upon termination of the Contract.
2. On July 1, 1999, the Contract Rate of Delivery shall be 13.236 megawatts (MW), of which 5.173 MW is Long-Term Firm Power, and 8.063 MW is Westlands Withdrawable Power.

WESTERN AREA POWER ADMINISTRATION

By: _____

Title: _____

Address: 114 Parkshore Drive

Folsom, CA 95630

Date: _____

CITY OF LODI

By: H. DIXON FLYNN, CITY MANAGER

Title: CITY MANAGER

Attest: _____

Address: PO BOX 3006

By: ALICE M. REIMCHE

LODI CA 95241

Title: CITY CLERK

Date: _____

APPROVED AS TO FORM:

By: _____
RANDALL A. HAYS

Title: CITY ATTORNEY

Amendment No. 1 to
Contract No. 92-SAO-20056

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
CENTRAL VALLEY PROJECT, CALIFORNIA

AMENDMENT NO. 1 TO THE
CONTRACT FOR ELECTRIC SERVICE
WITH

THE CITY OF LODI

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
CENTRAL VALLEY PROJECT, CALIFORNIA

AMENDMENT NO. 1 TO THE
CONTRACT FOR ELECTRIC SERVICE
WITH

THE CITY OF LODI

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UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
CENTRAL VALLEY PROJECT, CALIFORNIA

AMENDMENT NO. 1 TO THE
CONTRACT FOR ELECTRIC SERVICE
WITH

THE CITY OF LODI

1. **PREAMBLE:** This Amendment to Contract No. 92-SAO-20056 (Primary Contract) is made this 17th day of April, 1996 between the UNITED STATES OF AMERICA, Western Area Power Administration (Western) and the CITY OF LODI (Lodi), also hereinafter referred to individually as Party and together as Parties, pursuant to the same authorities as the Primary Contract.

2. **RECITALS:**

2.1 Western and Lodi entered into the Primary Contract on October 13, 1992. At that time, the January 3, 1989 General Power Contract Provisions (GPCP) were effective.

2.2 Western has revised its GPCP effective August 15, 1995, and wishes to substitute these GPCP for the January 3, 1989 GPCP in its Primary Contract with Lodi.

2.3 Lodi also wishes to substitute the revised GPCP for the January 3, 1989 GPCP.

3. **AGREEMENT:**

The Parties agree to the terms and conditions set forth herein.

1 **4. TERM OF AMENDMENT:**

2 This Amendment shall become effective upon execution, but no earlier than March 1, 1996, and
3 shall remain in effect concurrently with the Primary Contract.

4
5 **5. MODIFICATION TO SECTION 15 OF THE PRIMARY CONTRACT:**

6 Section 15 of the Primary Contract is hereby deleted, and the following substituted therefor:

7 **"15. GENERAL POWER CONTRACT PROVISIONS:**

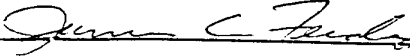
8 The General Power Contract Provisions, effective August 15, 1995,
9 attached hereto, are hereby made a part of this Contract, the same as if
10 they had been expressly set forth herein."

11
12 **6. PRIMARY CONTRACT TO REMAIN IN EFFECT:**

13 Except as expressly modified by this Amendment, said Primary Contract shall remain in full
14 force and effect; and this Amendment shall be subject to all provisions of the Primary Contract,
15 except as herein amended.

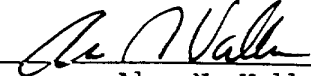
IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed the day year first above written.

WESTERN AREA POWER ADMINISTRATION

By: 

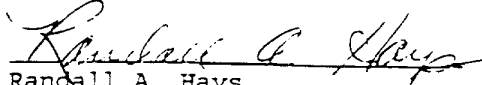
Title: Regional Manager
Address: 114 Parkshore Drive
Folsom, California 95630

CITY OF LODI

By: 

Title: Alan N. Vallow
Electric Utility Director
1331 South Ham Lane
Lodi, California 95242

Approved as to Form:


Randall A. Hays
City Attorney

ATTEST:


Jennifer M. Perrin
City Clerk

RESOLUTION NO. 96-11

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING EXECUTION OF THE WESTERN AREA POWER
ADMINISTRATION AMENDMENT NO. 1 TO WESTERN CONTRACT
NO. 92-SAO-20056

BE IT RESOLVED that the Western Area Power Administration Amendment No. 1 to Western Contract No. 92-SAO-20056 is approved, and the Electric Utility Director or other designee are authorized and directed on behalf of the Lodi City Council, to execute and deliver such agreement on behalf of the City of Lodi.

Dated: February 7, 1996

I hereby certify that Resolution No. 96-11 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 7, 1996, by the following vote:

AYES: COUNCIL MEMBERS - Davenport, Mann, Pennino, Sieglock
and Warner (Mayor)

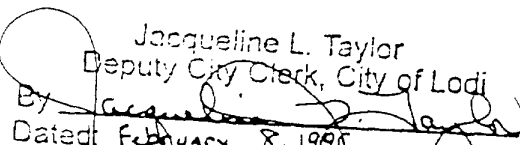
NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

The Foregoing Document is Certified
To Be A Correct Copy Of The Original
On File In This Office.

Jacqueline L. Taylor
Deputy City Clerk, City of Lodi
By 
Dated: February 8, 1996

RESOLUTION NO. 99-92

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
EXECUTION OF THE WESTERN AREA POWER
ADMINISTRATION REVISION 2 TO WESTERN CONTRACT
NO. 92-SAO-20056

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BE IT RESOLVED, by the City Council of the City of Lodi that Exhibit A, Revision 2 to the United States of America Department of Energy Western Area Power Administration Contract No. 92-SAO-20056 is approved, and the Electric Utility Director or other designee are authorized and directed on behalf of the Lodi City Council, to execute and deliver such agreement on behalf of the City of Lodi.

Dated: June 22, 1999

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I hereby certify that Resolution No. 99-92 was passed and adopted by the City Council of the City of Lodi in a special meeting held June 22, 1999, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Nakanishi, Pennino and Land
(Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mann

ABSTAIN: COUNCIL MEMBERS – None


ALICE M. REIMCHE
City Clerk